

REMARKS

This Amendment in an RCE is filed in response to the Final Action of February 1, 2010 in which claims 1, 2, 6-22, 24-31, 64, 68-85 and 88-91 were rejected.

I. Amendments

The claims have been revised completely; therefore the changes have not been tracked and instead presented as new claims 92-125.

The new independent claims 92, 102, 113 and 124 are based on the previous independent claims, but some features have been omitted, in particular the original reference to the handle and the previously added reference to RFID. Instead, it has been indicated that the communication channel is established via a communication network (original disclosure: paragraph [0017] of published US patent application US 2005/0198029A1). In addition, the independent claims have been restricted with the features of previous dependent claim 9.

Dependent claim 93 is based on original claim 2.

Dependent claims 94, 103 and 114 are based on original claim 8.

Dependent claims 95, 104 and 115 are based on original claim 12.

Dependent claims 96, 105 and 117 are based on original claim 14

Dependent claims 97, 106 and 118 are based on original claim 17.

Dependent claims 98, 107 and 119 are based on original claim 18.

Dependent claims 99, 108 and 120 are based on original claim 19.

Dependent claims 100, 109 and 121 are based e.g. on paragraph [0113] of the published US patent application.

Dependent claims 101, 112, 123 and 125 are based on original claims 10 and 11.

Dependent claims 110, 111, 116 and 122 are based on paragraph [0118] of the published US patent application.

II. Novelty and non-obviousness

New **independent claim 92** requires *inter alia* monitoring conditions on an established communication channel and updating said communication channel in case said conditions are detected to be worse than predetermined conditions. These features were previously included in cancelled dependent claim 9.

The Office considered the monitoring of channel conditions to be disclosed in paragraph 45 of *Libes* and the updating of a channel to be disclosed in paragraph 41 of *Libes*.

However, there is no monitoring of channel conditions disclosed in paragraph 45 of *Libes*. According to this paragraph, it is only checked whether two (handshaked) devices support compatibility. This is only a question of the implementation of the devices, not a question of conditions on an established channel. A "successful notification" is provided if it is determined (after the handshaking procedure) that the devices support compatibility and a successful wireless communication has been established. A "failure notification" is provided (after the handshaking procedure) in case the devices do not support compatibility.

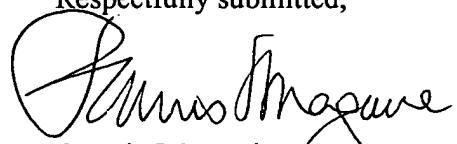
Further, the notification messages in paragraph 45 do not result in an update of any established channel. As can be seen in Fig. 21 and 22, in the case of a "failure notification", the entire process is simply terminated and there is no updating of any channel. The notification message in paragraph 45 can also not be understood to result in an update of the (handshaking) channel mentioned in paragraph 41. As becomes apparent from the first three sentences of paragraph 45, the notification message of paragraph 45 is only generated after the two devices have been "*handshaked by the physical proximity of two wireless handshake plugs in one of the described handshaking means described above*" (thus, for example, as described in paragraph 41).

Thus, new claim 92 has to be considered new and non-obvious in view of the *Libes* reference.

The same applies to the other **independent claims 102, 113 and 124**, which comprise corresponding features. The **dependent claims** have to be considered new and non-obvious already at least due to their reference to a respective new and non-obvious independent claim.

The objections and rejections of the Office Action of February 1, 2010, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 92-125 to issue, is earnestly solicited.

Respectfully submitted,



Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

FJM/mo
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234